Claims 1-19 are pending in this application. Claims 1-19 were rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement. Claims 1-19 were rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. Claims 1-4, and 6-7 were rejected under 35 U.S.C. §102(b) as being anticipated by "Dragon Naturally Speaking for Dummies" (Kay) and were also rejected under 35 U.S.C. §102(b) as being anticipated by "Speech Recognition Software, Round II (Adler). Claims 5 and 8-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over (1) Kay and (2) Adler (as applied to Claims 1-4 and 6-7) in view of "Choosing Celebrity Endorsers" (Miciak). Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over (1) Kay and (2) Adler in view of Miciak (as applied to Claims 1-9) and further in view of "How to get the biggest bang out of your next spokesperson campaign" (Durham). Claims 11-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over (1) Kay and (2) Adler in view of Miciak. Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over (1) Kay and (2) Adler (as applied to Claims 11-17) in view of Miciak and further in view of Durham. Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over (1) Kay and (2) Adler.

Additionally, the Examiner objected to Claim 3 as in being improper dependent form for failing to further limit the subject matter of the previous claim, and Claim 19 because of a lack of an antecedent basis for the term "the endorser".

Regarding the objection to Claim 3, the Examiner states that both Claim 1 and Claim 3, from which Claim 1 depends, recites the same limitation (i.e., that the sample data is stored in the data storage device prior to the adaptation of the automatic speech recognition product). After reviewing Claim 3, it is respectfully submitted that the Examiner is incorrect. Claim 3 includes the recitation of prior to adapting the software product. This limitation is not found in Claim 1. Based on at least the foregoing, it is respectfully requested that the objection to Claim 3 be withdrawn.

Regarding the objection to Claim 19, Claim 19 has been amended to overcome the objection. Based on at least the foregoing, it is respectfully requested that the objection to Claim 19 be withdrawn

To support at least some of the "Officially Noticed" findings the Examiner continues to rely upon references, such as Ramikrishnan et al., "Database Management Systems Third Edition" (Ramikrishnan) and Burrelle's Information Office (BIO), which Applicant has submitted are invalid.

With respect to Ramikrishnan, the Examiner states that it is a valid reference (e.g., see, Office Action, Page 3). However, it is respectfully submitted that the Examiner is incorrect. Ramikrishnan has a publication date of 2003 as provided by the Examiner on Form PTO-892. Accordingly, as the publication date of Ramikrishnan is after the filing date of the present

application, it is respectfully submitted that Ramikrishnan, et al. is an invalid reference.

Moreover, with respect the Burrelle's Information Office (BIO) product brochure, although the Examiner states that the publication date of BIO could not be confirmed, the Examiner states that BIO is pertinent to applicants disclosure. Accordingly, it is respectfully submitted that it is well established that art which is not accessible to the public is generally not recognized as prior art e.g., see, Minn. Mining and Mfg. Co. v. Chemque, Inc. 303 F.3d 1294, 1301 (Fed. Cir. 2002); OddzOn Prods., Inc. v. Just Toys, Inc.

Moreover, although the Examiner states that he did not rely upon BIO to support his "Officially Noticed" findings in the rejection dated October 11, 2005, the Examiner appears to rely upon this reference to support his arguments in the Office Action dated February 27, 2006 (e.g., see, Office Action, Pages 2-3) and the present Office Action in which he states that features contained in BIO are inherent in Burrelle' products (e.g., see, Office Action, Page 9). Accordingly, it is respectfully submitted that BIO is an invalid reference.

Accordingly, Applicants respectfully request proof of the date of publication for each of these references and request that the Examiner withdraw improper prior art references.

Furthermore, regarding the current Officially Noticed findings, Applicant requests clarification of publication dates for the above-stated references and withdrawal of improper references before addressing the current Officially Noticed findings.

Regarding the Examiner's rejection under 35 U.S.C. §112, first paragraph, the Examiner states the disclosure fails to adequately teach one skilled in the art to adapt/configure all known methods for adapting software products. After reviewing the specification of the present application, it is respectfully submitted that the Examiner is incorrect. First, Claim 1 includes the recitation of an adaptation module that adapts a product such as a security video product that uses sample adaptation data such as images of a user's face so that the product can adapt and recognize the face of a user (e.g., see, Specification, Page 2 bottom, Page 6, bottom, Page 7, middle). The process performed by the adaptation module is clearly set forth in the specification and one skilled in the art would readily recognize these steps. Therefore, it is respectfully submitted that specification provides sufficient disclosure to enable one skilled in the art to make and use the present invention. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. §112, first paragraph, of Claims 1-19 be withdrawn.

Regarding the rejection under 35 U.S.C. §112, second paragraph, of Claims 1-19, the Examiner states Claims 1-19 are incomplete for omitting essential steps. After reviewing Claims 1-19, it is respectfully submitted that the Examiner is incorrect. Claims 1, 11, and 19, each recite a positive function which is performed based upon a determination of whether a software product is an ASR product. This determination is performed by an adaptation module, a server, and a microprocessor in Claims 1, 11, and 19, respectively, and cannot be considered as a missing step. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

Regarding the rejection under 35 U.S.C. §102(a) of independent Claim 1, the Examiner states that Kay or Adler disclose each and every limitation of Claim 1. After reviewing Kay and Adler, it is respectfully submitted that the Examiner is incorrect.

First, Claim 1 includes the recitation of determining if the software product is an automatic speech recognition (ASR) product and transcribing, by the adaptation module. In other words, the adaptation module performs two steps (i.e., a determining step and a transcribing step).

Adler discloses an in-depth look at two speech recognition products which were developed in the 1990's. These products are similar to the ASR products which are discussed in the background section of the present application. Basically, Adler teaches training these products and discusses the products accuracy. Kay discloses using an ASR product, which is similar to the ASR products discussed in the background section of the present application, and teaches training and operating the ASR product.

In contrast to that which is taught by the cited references, Claim 1 includes the recitation of determining if the software product is an automatic speech recognition (ASR) product and transcribing, by the adaptation module, a verbal sample of data from the sample data if it is determined that the software product is an ASR product. In other words, Claim 1 includes a determination and a step based upon the determination, i.e., the transcribing step. These

additional steps are neither taught nor suggested by either Kay or Adler.

Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102(b) of Claim 1 be withdrawn.

Regarding the rejection of independent Claim 11under 35 U.S.C. §103(a), Claim 11 contains similar recitations as those contained in Claim 1. Accordingly, as Miciak, which discloses using celebrity endorsers, does not cure the deficiencies of Kay or Adler, it is respectfully submitted that Claim 11 is patentably distinct for at least the same reasons as set forth above with respect to the rejection of Claim 1.

Regarding the rejection under 35 U.S.C. §103(a) of independent Claim 19, this claim contains similar recitations as those contained in Claim 1. Accordingly, as Miciak, which discloses using celebrity endorsers, and Durham, which teaches the credibility of a spokesperson is important, does not cure the deficiencies of Kay or Adler, it is respectfully submitted that Claim 19 is patentably distinct for at least the same reasons as set forth above with respect to the rejection of Claim 1.

Independent Claims 1, 11, and 19 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-10, and 12-18, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-10

and 12-18 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-19, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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